

“(1) IN GENERAL.—The WTC Program Administrator, in consultation with the Secretary of Education, shall establish a research cohort of sufficient size to conduct future research studies on the health and educational impacts of exposure to airborne toxins, or any other hazard or adverse condition, resulting from the September 11, 2001, terrorist attacks, including on the population of individuals who were 21 years of age or younger at the time of exposure, including such individuals who are screening-eligible WTC survivors or certified-eligible WTC survivors.”

“(2) POPULATIONS STUDIED.—The research cohort under paragraph (1) may include—

“(A) individuals who, on September 11, 2001, were 21 years of age or younger and were—

“(i) outside the New York City disaster area; and

“(ii) in—

“(I) the area of Manhattan not further north than 14th Street; or

“(II) Brooklyn; and

“(B) control populations, including populations of individuals who, on September 11, 2001, were 21 years of age or younger.”

(b) FUNDING.—Section 3351(b) of such Act (42 U.S.C. 300mm-61(b)) is amended by inserting after paragraph (3) the following:

“(4) LIMITATION FOR RESEARCH COHORT FOR EMERGING HEALTH IMPACTS ON YOUTH.—Notwithstanding paragraph (1), the amounts made available under such paragraph may not be used for fiscal years 2023 through 2032 to carry out subsection (c) of section 3341.”

(c) CONFORMING AMENDMENT.—Section 3301(f)(2)(E) of such Act (42 U.S.C. 300mm(f)(2)(E)) is amended by striking “section 3341(a)” and inserting “subsection (a) or (c) of section 3341”.

#### AMENDMENT NO. 6617

(Purpose: To improve the Justice for United States Victims of State Sponsored Terrorism Act.)

(The amendment is printed in today's RECORD under “Text of Amendments.”)

Mr. SCHUMER. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCOTT of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 5355, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 5355) making emergency supplemental appropriations for disaster relief for the fiscal year ending September 30, 2023, and for other purposes.

The PRESIDING OFFICER. There is now 2 minutes of debate, equally divided.

The Senator from Florida.

Mr. SCOTT of Florida. Mr. President, immediately after Hurricane Ian

passed, I made clear that I would fight for and support a standalone disaster aid package to get Floridians the assistance they need to recover.

On September 30, just 2 days after Ian made its catastrophic landfall near Fort Myers, FL, I wrote to my colleagues urging them to work with me on getting much needed aid to Florida families as quickly as possible.

Immediately after, the aid Floridians desperately needed was delayed so that it could be stuffed into this massive and reckless \$1.7 trillion omnibus bill. While that is disappointing enough, I have now heard from Floridians, especially our growers in agriculture, that without changes, this disaster aid will not be delivered in the most efficient and effective way possible to ensure their recovery.

We should take this opportunity to act on their concerns today and make needed changes that ensure this Federal disaster aid does as much good as possible. There is no reason to delay this further. I urge my colleagues to stand with those recovering from these terrible storms and the folks who put the food on our tables. Please support this bill.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I spoke on this matter earlier this week, and I still agree with the Senator from Florida that we have a responsibility to help Americans in the wake of disasters. It does not matter if you are a Republican or a Democrat, or if you are from a blue State or a red State. As Americans, we have to stand together to help our communities recover and rebuild.

I have done that on this floor for 48 years—voting for disaster bills for all States. But I believe in reality, not rhetoric. We don't have time to play politics or for sound bites. We have to enact the omnibus bill now, and that will get the aid to people in Florida and other communities that need it most.

So I would urge all Senators to vote for the omnibus, and let us get these things done. It is time to go forward. We don't have time for further delay.

The PRESIDING OFFICER (Ms. ROSEN). Under the previous order, the bill is considered read a third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. SCOTT of Florida. I ask for the yeas and nays.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. Kaine) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator

from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), the Senator from North Dakota (Mr. CRAMER), and the Senator from Nebraska (Mr. SASSE).

The result was announced—yeas 22, nays 73, as follows:

[Rollcall Vote No. 407 Leg.]

#### YEAS—22

Blackburn	Hawley	Scott (SC)
Blunt	Hyde-Smith	Sullivan
Braun	Johnson	Tillis
Cassidy	Kennedy	Tuberville
Crapo	Lummis	Wicker
Cruz	Risch	Young
Daines	Rubio	
Hagerty	Scott (FL)	

#### NAYS—73

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Portman
Blumenthal	Hirono	Reed
Booker	Hoeven	Romney
Boozman	Inhofe	Rosen
Brown	Kelly	Rounds
Cantwell	King	Sanders
Capito	Klobuchar	Schatz
Cardin	Lankford	Schumer
Carper	Leahy	Shaheen
Casey	Lee	Shelby
Collins	Lujan	Sinema
Coons	Manchin	Smith
Cornyn	Markey	Stabenow
Cortez Masto	Marshall	Tester
Cotton	McConnell	Thune
Duckworth	Menendez	Toomey
Durbin	Merkley	Van Hollen
Ernst	Moran	Warner
Feinstein	Murkowski	Warnock
Fischer	Murphy	Warren
Gillibrand	Murray	Whitehouse
Graham	Ossoff	Wyden
Grassley	Padilla	
Hassan	Paul	

#### NOT VOTING—5

Barrasso	Cramer	Sasse
Burr	Kaine	

The PRESIDING OFFICER. On this vote, the yeas are 22, the nays are 73.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the bill is not passed.

The bill (S. 5355) was rejected.

#### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2023—Continued

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Madam President, now, may I have the attention of everybody, please?

OK. I urge everybody to stay in their seats. We are having 10-minute votes. We have to get out of here as quickly as possible, so we need cooperation from everybody. OK? Thank you.

The PRESIDING OFFICER. The Senator from Kentucky.

#### POINT OF ORDER

Mr. PAUL. Madam President, for years, Members of Congress have lamented their inability to control spending and debt. On rare occasions, though, Congress has actually passed rules to try to tame their primal urge to borrow and spend.

From Gramm-Rudman-Hollings to PAYGO, good legislation is out there to restrain deficit spending, only to be universally ignored and rejected by future Congresses.

Today's legislation breaks the Congressional Budget Act rules, so congressional leaders have included in this monstrous spending bill language to simply waive the PAYGO rules. Congress has time and time again waived its own rules, and the result has been over \$31 trillion in debt, inflation, and a weakened economy.

Let's respect the American people by being responsible stewards of their tax dollars and adhering to our own budget rules.

The pending measure, Senate amendment No. 6552, contains matter in division O, title X, section 1001(d) that relates to the operation of the Statutory Pay-As-You-Go Act of 2010, which is matter within the jurisdiction of the Budget Committee. The pending measure was neither reported nor discharged from the Budget Committee.

Therefore, I raise a point of order against this measure pursuant to section 306 of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Vermont.

#### MOTION TO WAIVE

Mr. SANDERS. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act and any other applicable budget points of order for purposes of the pending message, and I ask for the yeas and nays.

But before that, let me be very clear. If we do not waive this budget point of order raised by Senator PAUL, it will kill the entire appropriations bill that we are debating, not just this section dealing with sequestration. In other words, if we do not waive this budget point of order, the government will shut down just before Christmas—not a particularly nice Christmas gift to give to the American people.

This bill—this omnibus bill—is not the bill that I would have written, not the bill that anybody else here would have written, but it includes a 30-percent increase in the Child Care and Development Block Grant Program, nearly \$1 billion more for Head Start, doubles funding for community schools to \$150 million, and does many other important things.

I would urge my colleagues to waive this point of order, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. GILLIBRAND) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), and the Senator from North Dakota (Mr. CRAMER).

The yeas and nays resulted—yeas 65, nays 31, as follows:

[Rollcall Vote No. 408 Leg.]

#### YEAS—65

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Inhofe	Rounds
Blunt	Kaine	Sanders
Booker	Kelly	Schatz
Boozman	King	Schumer
Brown	Klobuchar	Shaheen
Cantwell	Leahy	Shelby
Capito	Lujan	Sinema
Cardin	Manchin	Smith
Carper	Markley	Stabenow
Casey	McConnell	Tester
Collins	Menendez	Thune
Coons	Merkley	Van Hollen
Cortez Masto	Moran	Warner
Cotton	Murkowski	Warnock
Duckworth	Murphy	Warren
Durbin	Murray	Whitehouse
Feinstein	Ossoff	Wicker
Graham	Padilla	Wyden
Hassan	Peters	Young
Heinrich	Portman	

#### NAYS—31

Blackburn	Hawley	Romney
Braun	Hoeven	Rubio
Cassidy	Hyde-Smith	Sasse
Cornyn	Johnson	Scott (FL)
Crapo	Kennedy	Scott (SC)
Cruz	Lankford	Sullivan
Daines	Lee	Tillis
Ernst	Lummis	Toomey
Fischer	Marshall	Tuberville
Grassley	Paul	
Hagerty	Risch	

#### NOT VOTING—4

Barrasso	Cramer
Burr	Gillibrand

The PRESIDING OFFICER. On this vote the yeas are 65, the nays are 31.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to and the point of order falls.

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Can I have the attention of the Chamber? That was a 12-minute vote. We can do 2 minutes better. Please stay in your seats.

The PRESIDING OFFICER. The Senator from Kentucky.

#### AMENDMENT NO. 6561

Mr. PAUL. Just moments ago, I made a budget point of order against a 4,155-page bill spending \$1.7 trillion that was given to us in the middle of the night at 1:30 in the morning.

The point of order was waived, as it always has been by the Senate. It has become far too easy for Congress to escape its own rules designed to prevent reckless spending.

There hasn't been enough time for a single person to have read this entire bill. The bill and process ignores soaring inflation, rising interest rates, and our ballooning debt of \$31 trillion.

Enough is enough. I now ask my colleagues to support my amendment to raise the threshold to waive a budget point of order from three-fifths to two-thirds.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, I rise in strong opposition to Senator PAUL's amendment.

This amendment would require 67 Senators to waive a budget point of order instead of 60. In other words, if this amendment were passed, a tiny

minority of U.S. Senators could prevent action on a national healthcare crisis, an economic crisis, or a natural disaster. That would put the people of this country, in my view, in a very dangerous position.

I urge my colleagues to vote no on the Paul amendment.

#### VOTE ON AMENDMENT NO. 6561

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. PAUL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), and the Senator from North Dakota (Mr. CRAMER).

The yeas and nays resulted—yeas 34, nays 63, as follows:

[Rollcall Vote No. 409 Leg.]

#### YEAS—34

Blackburn	Hoeven	Rounds
Boozman	Hyde-Smith	Rubio
Braun	Johnson	Sasse
Cornyn	Kennedy	Scott (FL)
Cotton	Lankford	Scott (SC)
Crapo	Lee	Sullivan
Cruz	Lummis	Thune
Daines	Marshall	Toomey
Ernst	Moran	Tuberville
Fischer	Paul	Young
Hagerty	Risch	
Hawley	Romney	

#### NAYS—63

Baldwin	Hassan	Peters
Bennet	Heinrich	Portman
Blumenthal	Hickenlooper	Reed
Blunt	Hirono	Rosen
Booker	Inhofe	Sanders
Brown	Kaine	Schatz
Cantwell	Kelly	Schumer
Capito	King	Shaheen
Cardin	Klobuchar	Shelby
Carper	Leahy	Sinema
Casey	Lujan	Smith
Cassidy	Manchin	Stabenow
Collins	Markley	Tester
Coons	McConnell	Tillis
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murkowski	Warnock
Feinstein	Murphy	Warren
Gillibrand	Murray	Whitehouse
Graham	Ossoff	Wicker
Grassley	Padilla	Wyden

#### NOT VOTING—3

Barrasso	Burr	Cramer
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The PRESIDING OFFICER (Mr. BOOKER). On this vote, the yeas are 34, the nays are 63.

Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is not agreed to.

The amendment (No. 6561) was rejected.

The PRESIDING OFFICER. The leader.

Mr. SCHUMER. Mr. President, that one was 11. We are making progress.

Will Members please sit in their seats when called and speak loudly so the clerk can hear how you vote. That will speed things up a little more. Maybe we can even break the 10-minute mark.

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate prior to the vote in relation to Johnson amendment No. 6555.

The Senator from Wisconsin.

AMENDMENT NO. 6555

Mr. JOHNSON. Mr. President, according to the National Association of State Budget Officers in a report it just issued, States are sitting on a surplus, cumulatively, of over \$250 billion. In addition to that, they have rainy day funds approaching over \$130 billion. That totals up to about \$380 billion. This omnibus is going to spend somewhere around \$1.7 trillion; yet it is still not enough.

Here are the 625 pages of earmarks—almost \$10 billion worth of additional money going to the States when they are sitting on close to \$400 billion in surpluses. This is grotesque.

Earmarks are the gateway drug to the mortgaging of our children's futures. This abuse must stop. My amendment simply eliminates all of the earmarks from this grotesque omnibus bill.

I ask my colleagues to support the elimination of all of the earmarks in this bill.

The PRESIDING OFFICER. The President pro tempore.

Mr. LEAHY. Mr. President, the Johnson amendment asks us to cede the power of the purse to public servants in the executive branch who are unaccountable to the voters. These public servants, dedicated though they may be, cannot possibly share the depth of knowledge we hold about our constituents and the communities in our States. I strongly urge the Members of this Chamber to reject abdicating the power of the purse—given to the legislative branch under the Constitution—as the Senator from Wisconsin's amendment asks us to do.

As a Senator from Vermont, I speak with community leaders, dairy farmers, small business owners, and Vermonters across my State every day. I have done this for 48 years. I have a deep understanding of Vermont and Vermonters.

Through congressionally directed spending, we can use this knowledge to invest tax dollars directly back into taxpayer communities. We can make these investments in everything from infrastructure, to community health centers and workforce development, to afterschool programs.

In fact, under rule X-L-I-V—rule 44—and additional rules that I established last year, we have unprecedented transparency and accountability for the congressionally directed spending contained in this bill—far more transparency than we have had at any time in my 48 years in the Senate.

Congressionally directed spending is not a new concept. In fact, it dates back more than 230 years when funding for the Cape Henry lighthouse, which still stands today, was included in a 1790 spending bill. After the misguided ban on congressionally directed spend-

ing in 2011, I was proud to restore the power of the purse to the Senate with new guardrails to improve transparency and accountability.

These guardrails include rule XLIV—44—of the Standing Rules of the Senate, which requires each earmark to be clearly identified in the committee and conference reports and certification that neither we nor any member of our immediate family would financially benefit from the requests we made. In fiscal year 2022, I implemented even more rigorous standards to this process.

We required Senators to make their requests public on their websites and make public any items that were funded in the appropriations bills. We also required the GAO to audit a sample of enacted congressionally directed spending items in order to increase accountability for the projects that are funded and to restore the trust of the American people in this process. And we put a 1-percent cap on all congressionally directed spending items, and we banned congressionally directed spending items to for-profit entities.

I am proud to say that we met each of these requirements in fiscal year 2022, and they remain in place in the bill we are considering today. I am also proud of all the projects I was able to fund for Vermont in this bill and across my career here in the Senate.

The question before us is simple: Who do we want to control the purse strings of the Federal Government—the unaccountable bureaucrats in the executive branch or the representatives of the people?

I think the answer is clear, and I strongly urge every Member of this Chamber to reject the Johnson amendment.

VOTE ON AMENDMENT NO. 6555

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. JOHNSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), and the Senator from North Dakota (Mr. CRAMER).

The result was announced—yeas 34, nays 63, as follows:

[Rollcall Vote No. 410 Leg.]

YEAS—34

Blackburn	Hagerty	Paul
Braun	Hawley	Portman
Cornyn	Hoeven	Risch
Cotton	Hyde-Smith	Romney
Crapo	Johnson	Rounds
Cruz	Kennedy	Rubio
Daines	Lankford	Sasse
Ernst	Lee	Scott (FL)
Fischer	Lummis	
Grassley	Marshall	

Scott (SC)  
Tester

Thune  
Toomey

Tuberville  
Young

NAYS—63

Baldwin	Hassan	Padilla
Bennet	Heinrich	Peters
Blumenthal	Hickenlooper	Reed
Blunt	Hirono	Rosen
Booker	Inhofe	Sanders
Boozman	Kaine	Schatz
Brown	Kelly	Schumer
Cantwell	King	Shaheen
Capito	Klobuchar	Shelby
Cardin	Leahy	Sinema
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Cassidy	Markey	Sullivan
Collins	McConnell	Tillis
Coons	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Moran	Warnock
Durbin	Murkowski	Warren
Feinstein	Murphy	Whitehouse
Gillibrand	Murray	Wicker
Graham	Ossoff	Wyden

NOT VOTING—3

Barrasso Burr Cramer

The PRESIDENT pro tempore. On this vote, the yeas are 34, the nays are 63. The amendment is not agreed to.

The amendment (No. 6555) was rejected.

The PRESIDENT pro tempore. Under the previous order, there will now be 2 minutes of debate prior to the vote in relation to Johnson amendment No. 6559.

The Senator from New York.

Mr. SCHUMER. Mr. President, that was 8½ minutes. Let's keep it up. Stay in your seats.

(Applause.)

The PRESIDENT pro tempore. The Senator from Wisconsin.

AMENDMENT NO. 6559

Mr. JOHNSON. Mr. President, I have a chart showing monthly apprehensions of the southwest border since 2012. This little blip over here in 2014, this is the humanitarian crisis declared by President Obama when monthly apprehensions exceeded about 60,000 a month.

President Trump had to deal with, in one month, about 4,000 people a day but still under 150,000 people per month. He solved the problem by returning people and having a consequence for illegal entry into this country.

President Biden took office, opened up the border, and now we are exceeding over 200,000 people entering this country illegally every month.

This is a crisis. This is a humanitarian crisis, but this administration won't even admit it is a problem. They say it is a challenge.

My amendment is pretty simple. It takes whatever funds are appropriate for transporting illegal immigrants and only allows those funds to be used to send them home or to a safe third country or to Mexico or to a detention facility here in America. We need a consequence. We have to secure our border. This is out of control.

I ask all my colleagues to support my amendment.

The PRESIDENT pro tempore. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I am going to strongly urge opposition to this amendment.

To be honest, this amendment uses terms that are not traditionally used in the immigration code, so it is really pretty hard to understand what the impact is going to be.

If the intent is for these transportation restrictions to apply to asylum seekers, then the amendment effectively ends the asylum program for everyone. I am, frankly, not sure there is even Republican consensus to do that.

If it is not meant to apply to asylum seekers, then the strange drafting has really bad—probably unintended—consequences.

For instance, if an individual were here on a student visa and they committed a serious crime, this amendment doesn't seem to allow for that individual to be transported for the purposes of removal because they aren't here unlawfully. That is all to say that this amendment really isn't ready for prime time, and I would urge its rejection.

#### VOTE ON AMENDMENT NO. 6559

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. JOHNSON. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), and the Senator from North Dakota (Mr. CRAMER).

The yeas and nays resulted—yeas 47, nays 50, as follows:

#### [Rollcall Vote No. 411 Leg.]

##### YEAS—47

Blackburn	Hoehn	Romney
Boozman	Hyde-Smith	Rounds
Braun	Inhofe	Rubio
Capito	Johnson	Sasse
Cassidy	Kennedy	Scott (FL)
Cornyn	Lankford	Scott (SC)
Cotton	Lee	Shelby
Crapo	Lummis	Sullivan
Cruz	Manchin	Tester
Daines	Marshall	Thune
Ernst	McConnell	Tillis
Fischer	Moran	Toomey
Graham	Murkowski	Tuberville
Grassley	Paul	Wicker
Hagerty	Portman	Young
Hawley	Risch	

##### NAYS—50

Baldwin	Hassan	Peters
Bennet	Heinrich	Reed
Blumenthal	Hickenlooper	Rosen
Blunt	Hirono	Sanders
Booker	Kaine	Schatz
Brown	Kelly	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Leahy	Smith
Casey	Lujan	Stabenow
Collins	Markey	Van Hollen
Coons	Menendez	Warner
Cortez Masto	Merkley	Warnock
Duckworth	Murphy	Warren
Durbin	Murray	Whitehouse
Feinstein	Ossoff	Wyden
Gillibrand	Padilla	

##### NOT VOTING—3

Barrasso	Burr	Cramer
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The PRESIDENT pro tempore. On this vote, the yeas are 47, the nays are 50.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 6559) was rejected.

The PRESIDENT pro tempore. The majority leader.

Mr. SCHUMER. Mr. President, that was 9 minutes. Let's keep it up.

The PRESIDENT pro tempore. Under the previous order, there will now be 2 minutes of debate prior to the vote in relation to the Sinema-Tester amendment No. 6621.

Who seeks recognition?

The Senator from Arizona.

#### AMENDMENT NO. 6621

Ms. SINEMA. Mr. President, it is pathetic Congress, once again, stands here at the 11th hour to fulfill its most fundamental obligation. Partisanship and tunnel vision on damaging the opposition and preventing the other side from getting a win has replaced thoughtful legislating.

I have made clear the border is in crisis and Arizona is facing a security and humanitarian crisis. Enough is enough. Stop using the border as a political tool. We are here to do our jobs. We must fund the government, and we must solve our border crisis.

This amendment keeps title 42 until a permanent plan is in place, boosts desperately needed border funding for security, invests in our agents and officers, and stops the flow of dangerous drugs.

I call on my colleagues to support this amendment.

I yield to Senator TESTER.

The PRESIDENT pro tempore. The Senator from Montana.

Mr. TESTER. Mr. President, this bill gives additional funding for judges and legal officials to ensure due processing, evaluating claims of folks at the border, provides resources for technology and to construct a physical wall, gives law enforcement at the southern border additional resources, and it overrides President Biden's decision to end title 42.

I would encourage an aye vote on this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, this amendment is a ruse. It is a ruse designed to provide political cover to a small handful of people who recognize the crisis on the border and want to appear to be doing something about it, but it doesn't.

Look, it proposes tens of billions of dollars to simply manage the border crisis, not stop it. It doesn't do anything to stop fentanyl or actually secure our border.

The sponsors will tell you that their amendment prohibits the funding—prohibits the repeal of title 42, but that is a lie. It only prohibits DHS funding to repeal title 42 when the surgeon general, who is housed in HHS, is the one who has the authority to do so.

How would it manage this crisis? Well, it would do so by funding the processing of people coming into this country faster than they are currently being processed. And more costly lawsuits await against our enforcement policies.

I strongly encourage my colleagues to oppose this amendment, which is a ruse. It doesn't do what it purports to do. It distracts from the crisis unfolding on our southern border.

#### VOTE ON AMENDMENT NO. 6621

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. SCHATZ. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), and the Senator from North Dakota (Mr. CRAMER).

The result was announced—yeas 10, nays 87, as follows:

#### [Rollcall Vote No. 412 Leg.]

##### Yeas—10

Brown	Ossoff	Tester
Hassan	Rosen	Tillis
Kelly	Shaheen	
Manchin	Sinema	

##### Nays—87

Baldwin	Grassley	Paul
Bennet	Hagerty	Peters
Blackburn	Hawley	Portman
Blumenthal	Heinrich	Reed
Blunt	Hickenlooper	Risch
Booker	Hirono	Romney
Boozman	Hoeven	Rounds
Braun	Hyde-Smith	Rubio
Cantwell	Inhofe	Sanders
Capito	Johnson	Sasse
Cardin	Kaine	Schatz
Carper	Kennedy	Schumer
Casey	King	Scott (FL)
Cassidy	Klobuchar	Scott (SC)
Collins	Lankford	Shelby
Coons	Leahy	Smith
Cornyn	Lee	Stabenow
Cortez Masto	Lujan	Sullivan
Cotton	Lummis	Thune
Crapo	Markey	Toomey
Cruz	Marshall	Tuberville
Daines	McConnell	Van Hollen
Duckworth	Menendez	Warner
Durbin	Merkley	Warnock
Ernst	Moran	Warren
Feinstein	Murkowski	Whitehouse
Fischer	Murphy	Wicker
Gillibrand	Murray	Wyden
Graham	Padilla	Young

##### Not Voting—3

Barrasso	Burr	Cramer
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The PRESIDENT pro tempore. On this vote, the yeas are 10, the nays are 87. The amendment is rejected.

The amendment (No. 6621) was rejected.

#### AMENDMENT NO. 6563

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes of debate prior to the vote in relation to the Lee amendment No. 6563.

The Senator from Utah.

Mr. LEE. Mr. President, during our recent border crisis, title 42 has become

the only sustained control we have over illegal immigration.

In 2022, just this year alone, we have had over 2.7 million undocumented immigrants at our southern border. It doesn't even include those who came across sneaking through undetected.

The Biden administration is only expelling people from the border exclusively under title 42. That is it. That is all we have got. In the last 3 years, title 42 has been used to help us expel 2.5 million illegal immigrants.

Just over the last 7 days alone, Mr. President, the Border Patrol in Arizona showed us that it is not just people coming across illegally; it is also drugs—dangerous drugs. In the last 7 days alone, Border Patrol agents in Arizona have confiscated 1.5 million fentanyl tablets. More than 14,000 pounds in total was intercepted at the border in 2022, and that is enough to kill America's entire population nine times over.

We have no business passing this bill unless this is in here. Vote for this amendment, I implore you.

The PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, the logic of title 42 is a public health response to a crisis. It was determined that foreigners coming into the United States could be turned away under title 42, and more than a million were last year.

Now, what has happened to the public health crisis? In June of this year, our government announced it would no longer require COVID tests for foreigners entering the United States. We have 22 million international visitors each year, and now there is no longer a requirement for testing.

So let's be honest. This is not about public health anymore. It is our excuse for not tackling the very real challenge of coming up with a border policy on a bipartisan basis.

I want to salute Senator SINEMA and Senator TILLIS for their undertaking. I want to work with them in the future, and I think we should reject this amendment.

#### VOTE ON AMENDMENT NO. 6563

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. LEE. I ask for the yeas and nays. The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), and the Senator from North Dakota (Mr. CRAMER).

The result was announced—yeas 47, nays 50, as follows:

[Rollcall Vote No. 413 Leg.]

#### YEAS—47

Blackburn	Boozman	Capito
Blunt	Braun	Cassidy

Collins	Inhofe
Cornyn	Johnson
Cotton	Kennedy
Crapo	Lankford
Cruz	Lee
Daines	Lummis
Ernst	Marshall
Fischer	McConnell
Graham	Moran
Grassley	Murkowski
Hagerty	Paul
Hawley	Portman
Hoeven	Risch
Hyde-Smith	Romney

#### NAYS—50

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Sanders
Booker	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Leahy	Sinema
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	

#### NOT VOTING—3

Barrasso	Burr	Cramer
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Mr. LEE. Point of inquiry, Mr. President.

Mr. President, point of parliamentary inquiry.

Are we not under a unanimous consent agreement that presupposes a 10-minute vote that will be called at the end of 10 minutes? And is there an exception to that when the Democrats don't like the disposition of the vote that has been cast?

The PRESIDENT pro tempore. The vote is still continuing. Debate is not in order.

Mr. LEE. That wasn't a debate. That was a point of parliamentary inquiry. There is a difference. I would like an answer.

The PRESIDENT pro tempore. Parliamentary inquiries are not in order.

On this vote, the yeas are 47, the nays are 50. The amendment is not agreed to.

The amendment (No. 6563) was rejected.

#### AMENDMENT NO. 6576

The PRESIDENT pro tempore. Under the previous order, there is now 2 minutes of debate prior to the vote on the Lee amendment numbered 6576.

Mr. LEE. Mr. President, before I begin my remarks on this, I would like to know how long the vote was held open on the last vote.

The PRESIDENT pro tempore. It was 16 minutes total—18 minutes.

Mr. LEE. Eighteen minutes is, of course, longer than 10.

The PRESIDENT pro tempore. The Senator may proceed.

#### AMENDMENT NO. 6576

Mr. LEE. Mr. President, U.S. Navy Lieutenant Ridge Alkonis is one of the best and the brightest naval officers this country has. In late May of 2021, he was involved in a serious car accident in which he encountered an unforeseeable, unforeseen medical emergency that caused him to lose con-

sciousness. He was involved in a car accident as a result of that emergency in which two Japanese nationals tragically lost their lives.

It was, indeed, an accident, not preventable or foreseeable by Lieutenant Alkonis. Nonetheless, under the Japanese legal system, he now stands convicted of a crime for which he is serving a 3-year prison sentence. This is an accident that was not avoidable by Lieutenant Ridge Alkonis.

I believe that, under these circumstances, we must stand behind him and his family. Lieutenant Alkonis has a wife Brittany and three young children. They are set to lose their pay and benefits from their sole breadwinner in their home 1 week from today. We must stop that.

The Department of Defense supports this. They wish they could grant it on their own. They don't believe they have the authority. I disagree with them. But this will fix that, and I am happy to help them with that.

I urge my colleagues to support this and would gladly accept a voice vote.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 6576) is agreed to.

#### AMENDMENT NO. 6577

The PRESIDENT pro tempore. Under the previous order, there is now 2 minutes of debate prior to the vote in relation to the Lankford amendment.

The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, the next point of our business today is going to be the Pregnant Workers Fairness Act that is coming up in a couple of votes from now. This is simply an amendment to be able to clarify one section of that.

The PRESIDENT pro tempore. The Senator will withhold. I again ask order on both sides of the aisle so we can proceed.

The Senator from Oklahoma.

Mr. LANKFORD. This amendment simply clarifies one area. Faith-based groups have reached out and said they understand this and are supportive of this, but they would like to get clarity in one section.

I am going to just read this section to you. As it currently reads in 7(b), it says:

This title is subject to the applicability of religious employment set out in Section 702(a), which is the Civil Rights Act.

What we are asking for is very straightforward. Everyone has received a copy of this. It just changes that language to read it to say:

This division shall not be construed to require a religious entity described in Section 702(a) of the Civil Rights Act of 1964 to make an accommodation that would violate the entity's religion.

It is very straightforward. It deals only with religious entities. It reinforces the Civil Rights Act. I think it was an oversight in the way this was written. There are some faith-based groups saying: We are uncomfortable

with this. It is very narrowly tailored in the way it is written.

I, frankly, would accept this as a voice vote, as well, if we would like to voice this right now.

The PRESIDENT pro tempore. The Senator from Louisiana.

Mr. CASSIDY. Mr. President, I commend my colleague's efforts to ensure this bill has strong religious liberties protections. We share that intent. I am told that the title VII religious exemption, which is specifically referred to and which, by the way, was drafted by House Republican VIRGINIA FOXX. It addresses the issue.

Analysis from Senator BURR's HELP counsel shows that Federal courts have interpreted title VII broadly beyond hiring and firing. This is based upon decisions from the liberal Ninth Circuit and the more conservative Fourth. I am told by attorneys that adding language to the bill actually, paradoxically, increases the ability of a liberal court to reinterpret previous jurisprudence.

I don't strongly oppose this, but because of the attorneys telling me that it would increase the likelihood of changing previous jurisprudence, which clearly is in favor of these religious employers having abilities that we all want them to have, I will oppose.

I yield the floor.

Mr. LANKFORD. Do I have time?

The PRESIDENT pro tempore. There is no time remaining.

VOTE ON AMENDMENT NO. 6577

The question is on agreeing to the amendment.

Mr. LANKFORD. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), and the Senator from North Dakota (Mr. CRAMER).

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 414 Leg.]

Yeas—44

Blackburn	Hawley	Romney
Blunt	Hoeben	Rounds
Boozman	Hyde-Smith	Rubio
Braun	Inhofe	Sasse
Capito	Johnson	Scott (FL)
Cornyn	Kennedy	Scott (SC)
Cotton	Lankford	Shelby
Crapo	Lee	Sullivan
Cruz	Lummis	Thune
Daines	Marshall	Tillis
Ernst	McConnell	Toomey
Fischer	Moran	Tuberville
Graham	Paul	Wicker
Grassley	Portman	Young
Hagerty	Risch	

Nays—53

Baldwin	Brown	Casey
Bennet	Cantwell	Cassidy
Blumenthal	Cardin	Collins
Booker	Carper	Coons

Cortez Masto	Lujan	Schatz
Duckworth	Manchin	Schumer
Durbin	Markey	Shaheen
Feinstein	Menendez	Sinema
Gillibrand	Merkley	Smith
Hassan	Murkowski	Stabenow
Heinrich	Murphy	Tester
Hickenlooper	Murray	Van Hollen
Hirono	Ossoff	Warner
Kaine	Padilla	Warnock
Kelly	Peters	Warren
King	Reed	Whitehouse
Klobuchar	Rosen	Wyden
Leahy	Sanders	

Not Voting—3

Barrasso Burr Cramer

The amendment (No. 6577) was rejected.

AMENDMENT NO. 6569

The PRESIDENT pro tempore. Under the previous order, there is now 2 minutes of debate prior to the vote in relation to the Braun amendment No. 6561. The Senator from Indiana.

Mr. BRAUN. I call up my amendment at the desk, which has to do with the Cassidy bill that we are going to hear next.

In 1794, Congress passed the 11th amendment, and it was ratified a year later. This constitutional amendment prohibits—

The PRESIDENT pro tempore. We do not have order. The Senators will suspend. The Senator is entitled to be heard. We have order in the Chamber.

Mr. BRAUN. This constitutional amendment prohibits Federal courts from hearing certain lawsuits against States. A State can waive immunity if it wants to, and States do so now and then.

There is a proven process for eliminating or changing the protections of a clear constitutional language. It is not the role of the Senate to repeal constitutional rights through legislation, which is what the Cassidy bill does before us. This bill would nullify the 11th amendment, opening public sector entities in States to more Federal compliance issues and litigations.

Hoosiers did not elect me to roll back constitutional protections for Indiana. This is why I am offering this amendment to strike section 6 of this bill.

I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The Senator from Pennsylvania has time reserved.

Mr. CASEY. Mr. President, this bill is about protecting pregnant workers. We shouldn't be treating pregnant workers who happen to be State and local government employees differently than we treat private sector employees or differently than we treat Federal workers.

What this bill does is give pregnant State and local workers the same protections. So if a woman is pregnant in the workforce and she needs accommodations that are reasonable, as the bill provides, we should provide them, whether she works in State or local government or whether she works in the Federal Government or private sector.

The Health, Education, Labor, and Pensions Committee, on a bipartisan basis, considered this amendment and rejected it and voted the bill itself—the Pregnant Workers Fairness Act—out of committee 19 to 2. I would urge a “no” vote on this amendment.

VOTE ON AMENDMENT NO. 6569

The PRESIDENT pro tempore. The question is on agreeing to amendment No. 6569.

The yeas and nays are ordered.

The clerk will call the roll.

The senior assistant executive clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), and the Senator from North Dakota (Mr. CRAMER).

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 415 Leg.]

Yeas—40

Blackburn	Inhofe	Rounds
Boozman	Johnson	Rubio
Braun	Kennedy	Sasse
Cotton	Lankford	Scott (FL)
Crapo	Lee	Scott (SC)
Cruz	Lummis	Shelby
Daines	Manchin	Sullivan
Ernst	Marshall	Thune
Fischer	McConnell	Toomey
Grassley	Moran	Tuberville
Hagerty	Paul	Wicker
Hawley	Portman	Young
Hoeben	Risch	
Hyde-Smith	Romney	

Nays—57

Baldwin	Gillibrand	Padilla
Bennet	Graham	Peters
Blumenthal	Hassan	Reed
Blunt	Heinrich	Rosen
Booker	Hickenlooper	Sanders
Brown	Hirono	Schatz
Cantwell	Kaine	Schumer
Capito	Kelly	Shaheen
Cardin	King	Sinema
Carper	Klobuchar	Smith
Casey	Leahy	Stabenow
Cassidy	Lujan	Tester
Collins	Markey	Tillis
Coons	Menendez	Van Hollen
Cornyn	Merkley	Warner
Cortez Masto	Murkowski	Warnock
Duckworth	Murphy	Warren
Durbin	Murray	Whitehouse
Feinstein	Ossoff	Wyden

Not Voting—3

Barrasso Burr Cramer

The PRESIDENT pro tempore. On this vote, the yeas are 40, the nays are 57.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 6569) was rejected.

AMENDMENT NO. 6558

The PRESIDENT pro tempore. Under the previous order, there is now 2 minutes of debate prior to the vote in relation to the Cassidy amendment No. 6558.

The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I want to start by saying something very simple about what we are about to vote on. This bill is about two words: reasonable accommodations. It is as simple as that. More than 30 years ago, we passed the Americans with Disabilities Act,

which said something very simple as well. It said that a worker with a disability in the workplace should have reasonable accommodations, not any accommodation—reasonable accommodations.

Thirty years of case law, thirty years of testing that principle have shown us that pregnant workers should have the same protections, reasonable accommodations, so that if a woman is pregnant in the workforce, she can do her job and have a healthy and safe pregnancy. That is all this bill is about.

The organizations supporting it are across the board. Every organization you can think of is supporting this bill. I urge a “yes” vote, similar to the House vote on this, which was 315 to 101, more than three quarters of the House.

I turn now to my colleague Senator CASSIDY.

Mr. CASSIDY. Mr. President, the amendment's benefits are clear. We include VIRGINIA FOXX's House amendment protecting religious employers, endorsed by the National Association of Evangelicals, the U.S. Conference of Catholic Bishops, the March of Dimes, and the U.S. Chamber.

It passed the Health Committee 19 to 2. It allows employers to help a pregnant woman support herself, her family, and her unborn child. This is pro-life. This bill does what we would want for ourselves, our wives, our sisters, and our daughters.

I yield the floor.

The PRESIDENT pro tempore. The majority leader.

Mr. SCHUMER. Mr. President, this is a great example—this very important bill—of how this body can work in a bipartisan way and get things done. I want to salute Senators Casey and Cassidy for their diligence and relentlessness. I want to thank Senators Murray and Burr.

The Pregnant Workers Fairness Act makes a simple assertion: If you are pregnant, if you are working during your pregnancy, you should have the right to basic workplace accommodations.

The Pregnant Workers Fairness Act is one of the most significant improvements to workplace protections in years. Tens of millions will be covered under this legislation, especially millions who work low-income jobs, long hours, and get little support.

I urge a “yes” vote.

VOTE ON AMENDMENT NO. 6558

Mr. PAUL. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), and the Senator from North Dakota (Mr. CRAMER).

The result was announced—yeas 73, nays 24, as follows:

[Rollcall Vote 416 Leg.]

YEAS—73

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Romney
Blackburn	Hirono	Rosen
Blumenthal	Kaine	Sanders
Blunt	Kelly	Schatz
Booker	Kennedy	Schumer
Brown	King	Scott (FL)
Cantwell	Klobuchar	Shaheen
Capito	Leahy	Shelby
Cardin	Lujan	Sinema
Carper	Lummis	Smith
Casey	Manchin	Stabenow
Cassidy	Markey	Sullivan
Collins	Marshall	Tester
Coons	McConnell	Tillis
Cortez Masto	Menendez	Tuberville
Cruz	Merkley	Van Hollen
Duckworth	Moran	Warner
Durbin	Murkowski	Warnock
Ernst	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Ossoff	Wyden
Graham	Padilla	Young
Grassley	Peters	
Hassan	Portman	

NAYS—24

Boozman	Hawley	Risch
Braun	Hoeven	Rounds
Cornyn	Hyde-Smith	Rubio
Cotton	Inhofe	Sasse
Crapo	Johnson	Scott (SC)
Daines	Lankford	Thune
Fischer	Lee	Toomey
Hagerty	Paul	Wicker

NOT VOTING—3

Barrasso	Burr	Cramer
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The PRESIDENT pro tempore. On this vote, the yeas are 73, the nays are 24.

Under the previous order requiring 60 votes for adoption of this amendment, the amendment is agreed to.

The amendment (No. 6558) was agreed to.

AMENDMENT NO. 6588

The PRESIDENT pro tempore. Under the previous order, there is now 2 minutes of debate prior to the vote in relation to the Padilla-Cornyn amendment No. 6588.

Mr. PADILLA. Mr. President, colleagues, this bipartisan agreement, which I have had the pleasure of working together with Senator CORNYN on for more than a year now and which has already passed the Senate by unanimous consent twice before, would give State, local, Tribal, and territorial governments the flexibility and the support they need to fully recover from the COVID-19 pandemic.

As we all know, each community has been impacted differently by the pandemic and has different needs to recover from the pandemic. This amendment is about flexibility and prioritizing the local governments that are closest to the people.

I do want to thank Senators Cornyn, Tester, and Murkowski for their work on this effort.

The PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, this is a very popular piece of legislation. As the Senator from California pointed out, the Senate has unanimously passed this on two previous occasions, so hopefully this third time is the charm.

What it does is unlocks COVID-19 relief money that States and local jurisdictions have that they no longer need for that purpose, but it allows them now more flexibility to spend it on infrastructure and disaster relief and the like. The best part about it is, it doesn't add one penny to the debt.

We would ask for a voice vote.

The PRESIDENT pro tempore. All those in favor?

The majority leader.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the 60-vote threshold be vitiated with respect to this amendment so that we can have a voice vote.

The PRESIDENT pro tempore. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 6588

The question is on agreeing to the amendment.

The amendment (No. 6588) was agreed to.

AMENDMENT NO. 6607, AS MODIFIED, AND

AMENDMENT NO. 6596, AS MODIFIED

The PRESIDENT pro tempore. The majority leader.

Mr. SCHUMER. Mr. President, I ask unanimous consent to modify amendment Nos. 6607 and 6596—to modify the instruction lines.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 6607, AS MODIFIED

(Purpose: To establish a World Trade Center Health Program Supplemental Fund)

At the appropriate place, add the following:

#### **TITLE VII—SUPPLEMENTAL FUNDING FOR THE WORLD TRADE CENTER HEALTH PROGRAM**

##### **SEC. 7701. SUPPLEMENTAL FUNDING FOR THE WORLD TRADE CENTER HEALTH PROGRAM.**

(a) IN GENERAL.—Title XXXIII of the Public Health Service Act (42 U.S.C. 300mm et seq.) is amended by adding at the end the following:

##### **“SEC. 3352. SUPPLEMENTAL FUND.**

“(a) IN GENERAL.—There is established a fund to be known as the World Trade Center Health Program Supplemental Fund (referred to in this section as the ‘Supplemental Fund’), consisting of amounts deposited into the Fund under subsection (b).

“(b) AMOUNT.—Out of any money in the Treasury not otherwise appropriated, there is appropriated for fiscal year 2023 \$1,000,000,000, for deposit into the Supplemental Fund, which amounts shall remain available through fiscal year 2032.

“(c) USES OF FUNDS.—Amounts deposited into the Supplemental Fund under subsection (b) shall be available, without further appropriation and without regard to any spending limitation under section 3351(c), to the WTC Program Administrator as needed at the discretion of such Administrator, for carrying out any provision in this title, including sections 3303 and 3341(c).

“(d) RETURN OF FUNDS.—Any amounts that remain in the Supplemental Fund on September 30, 2032, shall be deposited into the Treasury as miscellaneous receipts.”.

(b) CONFORMING AMENDMENTS.—Title XXXIII of the Public Health Service Act (42 U.S.C. 300mm et seq.) is amended—

(1) in section 3311(a)(4)(B)(i)(II) (42 U.S.C. 300mm–21(a)(4)(B)(i)(II)), by striking “section 3351” and inserting “sections 3351 and 3352”;



(2) in section 3321(a)(3)(B)(i)(II) (42 U.S.C. 300mm-31(a)(3)(B)(i)(II)), by striking “section 3351” and inserting “sections 3351 and 3352”;

(3) in section 3331 (42 U.S.C. 300mm-41)—

(A) in subsection (a), by inserting “and the World Trade Center Health Program Supplemental Fund” before the period at the end; and

(B) in subsection (d)—

(i) in paragraph (1)(B), by inserting “(excluding any expenditures from amounts in the World Trade Center Health Program Supplemental Fund under section 3352)” before the period at the end; and

(ii) in paragraph (2), in the flush text following subparagraph (C), by inserting “(excluding any expenditures from amounts in the World Trade Center Health Program Supplemental Fund under section 3352)” before the period at the end; and

(4) in section 3351(b) (42 U.S.C. 300mm-61(b))—

(A) in paragraph (2), by inserting “or as available from the World Trade Center Health Program Supplemental Fund under section 3352” before the period at the end; and

(B) in paragraph (3), by inserting “or as available from the World Trade Center Health Program Supplemental Fund under section 3352” before the period at the end.

(c) PREVENTION AND PUBLIC HEALTH FUND.—Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u-11(b)) is amended—

(1) in paragraph (8), by striking “\$1,800,000,000; and” and inserting “\$1,525,000,000;”;

(2) by striking paragraph (9) and inserting the following:

“(9) for each of fiscal years 2028 and 2029, \$1,725,000,000; and”;

(3) by adding at the end the following:

“(10) for fiscal year 2030 and each fiscal year thereafter, \$2,000,000,000.”.

#### SEC. 7702. RESEARCH COHORT FOR EMERGING HEALTH IMPACTS ON YOUTH.

(a) IN GENERAL.—Section 3341 of the Public Health Service Act (42 U.S.C. 300mm-51) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “With respect” through “subtitle B, the” and inserting “The”; and

(B) by striking “of such individuals” each place it appears;

(2) in subsection (b)(1), by inserting “and individuals who were exposed within a geographic area related to the September 11, 2001, terrorist attacks in a manner similar to the exposure within such geographic area experienced by individuals meeting the eligibility criteria under section 3311(a)(2) or 3321(a)(1)(B)” after “treatment”;

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(4) by inserting after subsection (b) the following:

“(c) RESEARCH COHORT FOR EMERGING HEALTH IMPACTS ON YOUTH.—

“(1) IN GENERAL.—The WTC Program Administrator, in consultation with the Secretary of Education, shall establish a research cohort of sufficient size to conduct future research studies on the health and educational impacts of exposure to airborne toxins, or any other hazard or adverse condition, resulting from the September 11, 2001, terrorist attacks, including on the population of individuals who were 21 years of age or younger at the time of exposure, including such individuals who are screening-eligible WTC survivors or certified-eligible WTC survivors.

“(2) POPULATIONS STUDIED.—The research cohort under paragraph (1) may include—

“(A) individuals who, on September 11, 2001, were 21 years of age or younger and were—

“(i) outside the New York City disaster area; and

“(ii) in—

“(I) the area of Manhattan not further north than 14th Street; or

“(II) Brooklyn; and

“(B) control populations, including populations of individuals who, on September 11, 2001, were 21 years of age or younger.”.

(b) FUNDING.—Section 3351(b) of such Act (42 U.S.C. 300mm-61(b)) is amended by inserting after paragraph (3) the following:

“(4) LIMITATION FOR RESEARCH COHORT FOR EMERGING HEALTH IMPACTS ON YOUTH.—Notwithstanding paragraph (1), the amounts made available under such paragraph may not be used for fiscal years 2023 through 2032 to carry out subsection (c) of section 3341.”.

(c) CONFORMING AMENDMENT.—Section 3301(f)(2)(E) of such Act (42 U.S.C. 300mm(f)(2)(E)) is amended by striking “section 3341(a)” and inserting “subsection (a) or (c) of section 3341”.

#### AMENDMENT NO. 6596, AS MODIFIED

(Purpose: To authorize the transfer of the proceeds of certain forfeited property to help Ukraine recover from the harms caused by the ongoing Russian aggression)

At the appropriate place, add the following:

SEC. 1708. (a) The Attorney General may transfer to the Secretary of State the proceeds of any covered forfeited property for use by the Secretary of State to provide assistance to Ukraine to remediate the harms of Russian aggression towards Ukraine. Any such transfer shall be considered foreign assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), including for purposes of making available the administrative authorities and implementing the reporting requirements contained in that Act.

(b) Not later than 15 days after any transfers made pursuant to subsection (a), the Attorney General, in consultation with the Secretary of the Treasury and the Secretary of State, shall submit a report describing such transfers to the appropriate congressional committees.

(c) In this section:

(1) The term “appropriate congressional committees” means—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(D) the Committee on Appropriations of the Senate;

(E) the Committee on the Judiciary of the House of Representatives;

(F) the Committee on Foreign Affairs of the House of Representatives;

(G) the Committee on Financial Services of the House of Representatives; and

(H) the Committee on Appropriations of the House of Representatives.

(2) The term “covered forfeited property” means property forfeited under chapter 46 or section 1963 of title 18, United States Code, which property belonged to, was possessed by, or was controlled by a person subject to sanctions and designated by the Secretary of the Treasury or the Secretary of State, or which property was involved in an act in violation of sanctions enacted pursuant to Executive Order 14024, and as expanded by Executive Order 14066 of March 8, 2022, and relied on for additional steps taken in Executive Order 14039 of August 20, 2021, and Executive Order 14068 of March 11, 2022.

(d) The authority under this section shall apply to any covered forfeited property forfeited on or before May 1, 2025.

#### AMENDMENT NO. 6596, AS MODIFIED

The PRESIDENT pro tempore. Under the previous order, there is now 2 minutes of debate prior to the vote on the Graham amendment No. 6596, as modified.

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I want to thank Senator WHITEHOUSE for this long journey we have been on together.

For Congressman MALINOWSKI from the House, this has been a passion.

This amendment would allow the Department of Justice, through the Secretary of State, to transfer proceeds from seized oligarch assets or other sanctioned entities to the people of Ukraine. It will be a godsend to the long-suffering people of Ukraine. It will be a relief to the American taxpayer because billions of dollars are subject to being seized and transferred. It will be a bad day for oligarchs.

I ask for a voice vote.

The PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I endorse the remarks of my friend Senator GRAHAM, and I want to thank him for his persistent work on this issue.

I would also like to recognize Senator BLUMENTHAL and Senator BENNET, who had significant roles helping on our side, and Representative MALINOWSKI, who has come over from the House, who championed it on that side as well.

I join Senator GRAHAM in asking not only for an “aye” vote but a voice vote.

The PRESIDENT pro tempore. The majority leader.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the 60-vote threshold be vitiated with respect to this amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to the amendment, as modified.

The amendment (No. 6596), as modified, was agreed to.

#### AMENDMENT NO. 6595

The PRESIDENT pro tempore. Under the previous order, there is now 2 minutes of debate prior to a vote in relation to Merkley amendment No. 6595.

Mr. MERKLEY. Mr. President, I am pleased that we are having this amendment before us. It broadens the scope of the bill that we passed 12 years ago to enable nursing mothers to be able to return to work and breast-pump milk for the benefit of their children.

For 12 years, it has worked so well for better health for the babies and better health for the mothers, and it turned out to be a big win for businesses because they found that workers returned to work and were much happier doing so.

The chamber has sent out a letter endorsing it. They note that it protects small businesses, providing a hardship exemption opportunity for those with less than 50 and that they have accommodated the concerns of the airline and railroad industries.



It is a win-win for babies, for mothers, and for business.

I hand this over to my colleague, and thank you so much, Senator MURKOWSKI, for championing this effort.

The PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, this measure is good for babies, it is good for new mothers, and it is good for employers to get these women back into the workforce. I would encourage an “aye” vote.

#### VOTE ON AMENDMENT NO. 6595

Mr. PAUL. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second for the request for the yeas and nays?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant executive clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), and the Senator from North Dakota (Mr. CRAMER).

The result was announced—yeas 92, nays 5, as follows:

#### [Rollcall Vote No. 417 Leg.]

##### YEAS—92

Baldwin	Hassan	Reed
Bennet	Hawley	Risch
Blackburn	Heinrich	Romney
Blumenthal	Hickenlooper	Rosen
Blunt	Hirono	Rounds
Booker	Hoeben	Rubio
Boozman	Hyde-Smith	Sanders
Braun	Inhofe	Sasse
Brown	Kaine	Schatz
Cantwell	Kelly	Schumer
Capito	Kennedy	Scott (FL)
Cardin	King	Scott (SC)
Carper	Klobuchar	Shaheen
Casey	Lankford	Sinema
Cassidy	Leahy	Smith
Collins	Lujan	Stabenow
Coons	Lummis	Sullivan
Cortez Masto	Manchin	Tester
Cotton	Markey	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Tuberville
Daines	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Moran	Warnock
Ernst	Murkowski	Warren
Feinstein	Murphy	Whitehouse
Fischer	Murray	Wicker
Gillibrand	Ossoff	Wyden
Graham	Padilla	Young
Grassley	Peters	
Hagerty	Portman	

##### NAYS—5

Cornyn	Lee	Toomey
Johnson	Paul	

##### NOT VOTING—3

Barrasso	Burr	Cramer
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The PRESIDENT pro tempore. On this vote, the yeas are 92, the nays are 5.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

The amendment (No. 6595) was agreed to.

The PRESIDENT pro tempore. Under the previous order, there is now 2 minutes of debate prior to a vote in relation to the Klobuchar amendment No. 6597.

#### AMENDMENT NO. 6597

Ms. KLOBUCHAR. Mr. President, Senator LEE and I rise in support of this amendment to the antitrust provisions of this legislation for one purpose: to ensure that they match the language of the original bills that earned strong bipartisan support in this Senate as well as in the House of Representatives. We are simply restoring the language that passed in the Senate and passed in the House before this bill went through the mix master that is called the omnibus.

I want to thank Senator GRASSLEY for his work on the Merger Filing Fee Modernization Act, which updates and reforms the merger fees—something we have not done for 22 years.

Senator COTTON's Foreign Merger Subsidy Disclosure Act is included and the State Antitrust Enforcement Venue Act—strongly supported by all members of the Judiciary Committee, which Senator LEE and I have led.

This bill passed the Senate by unanimous consent, and this language was scored to language originally in the bill.

Senator LEE will speak briefly, and then in the spirit of the holiday, with Santa Claus on our side, we will ask for a voice vote.

The PRESIDENT pro tempore. The Senator from Utah.

Mr. LEE. Mr. President, this bipartisan bill is something that I stand behind. Yes, this amendment simply restores the previous version that Senator KLOBUCHAR and I introduced and passed by unanimous consent. I urge our colleagues to support it.

The PRESIDENT pro tempore. The majority leader.

Mr. PAUL. Mr. President, I rise in objection. Do I get my minute?

The PRESIDENT pro tempore. The Senator from Kentucky.

Mr. PAUL. Mr. President, there are probably no more incompetent people in government than those who are in our Antitrust Division. These are the people who, as Blockbuster video was in its throes of demise, decided to block the merger between Hollywood Video and Blockbuster. I don't want to give these people any more money, and I will object to any unanimous consent to make this a voice vote.

Mr. SCHUMER. One final appeal for a voice vote? It is going to win. OK.

#### VOTE ON AMENDMENT NO. 6597

Mr. SCHUMER. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Tennessee (Mrs. BLACKBURN), the Senator from North Carolina (Mr. BURR), and the Senator from North Dakota (Mr. CRAMER).

The result was announced—yeas 88, nays 8, as follows:

#### [Rollcall Vote 418 Leg.]

##### YEAS—88

Baldwin	Hawley	Reed
Bennet	Heinrich	Risch
Blumenthal	Hickenlooper	Romney
Blunt	Hirono	Rosen
Booker	Hoeben	Rounds
Boozman	Hyde-Smith	Rubio
Braun	Inhofe	Sanders
Brown	Kaine	Sasse
Cantwell	Kelly	Schatz
Capito	Kennedy	Schumer
Cardin	King	Scott (SC)
Carper	Klobuchar	Shaheen
Casey	Lankford	Sinema
Cassidy	Leahy	Smith
Collins	Lee	Stabenow
Coons	Lujan	Tester
Cornyn	Lummis	Thune
Cortez Masto	Manchin	Tillis
Cotton	Markey	Toomey
Crapo	Marshall	Tuberville
Daines	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Moran	Warnock
Ernst	Murkowski	Warren
Feinstein	Murphy	Whitehouse
Fischer	Murray	Wicker
Gillibrand	Ossoff	Wyden
Graham	Padilla	Young
Grassley	Peters	
Hassan	Portman	

##### NAYS—8

Cruz	McConnell	Shelby
Hagerty	Paul	Sullivan
Johnson	Scott (FL)	

##### NOT VOTING—4

Barrasso	Burr
Blackburn	Cramer

The PRESIDENT pro tempore. On this vote, the yeas are 88, the nays are 8.

Under the previous order requiring 60 votes for adoption of this amendment, the amendment is agreed to.

Amendment No. (6597) was agreed to.

#### AMENDMENT NO. 6607, AS MODIFIED

The PRESIDENT pro tempore. Under the previous order, there is now 2 minutes of debate prior to a vote in relation to the Gillibrand amendment No. 6607, as modified.

The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I rise to speak in support of my amendment, the 9/11 Responder and Survivor Health Funding Correction Act. This amendment is a bipartisan compromise that we have worked out to make sure there is not a shortfall in funding for this health program.

This health program was stood up about 10 years ago, and we created a formula that was based on inflation. Unfortunately, the rate of inflation for healthcare has been higher. This is something that was unanimously agreed on from its inception, and I really hope you can support this.

As you know, our 9/11 first responders have been suffering from lung cancer and different kinds of pulmonary diseases and respiratory diseases, and this healthcare is lifesaving. If they have to worry that the money is not there for their cancer treatments, it just creates more anxiety and PTSD for these individuals.

It is really important that we fully fund this program. This funding will

allow for the next 5 years to be covered. It is not everything we need, but it is enough to get us started.

The PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I want to thank my friend and colleague Senator GILLIBRAND for the great work she has done championing the 9/11 responder and survivor health fund.

We know how many people sacrificed. We know how they ran to the towers when they were still smoldering, and then they contracted terrible diseases. For a while, this country left them high and dry. It would be like leaving our veterans high and dry. But, no, we stepped up to the plate with a very good and successful health funding program. Unfortunately, it runs out very soon. This amendment will extend it so it now can last another full 5 years. And the worry that firefighters, construction workers, police officers, and others who ran to the towers and are now beginning to contract diseases they never should have gotten—they will be taken care of.

I hope we can get everybody to vote for this patriotic, important bill that remembers those who helped us in a great time of need.

The PRESIDENT pro tempore. The Senator from Kentucky.

Mr. PAUL. Mr. President, just last year, we passed an unlimited appropriation for the 9/11 responders. I do believe they do deserve our help, but we amassed an unlimited appropriation for 70 years. As much money as can possibly be spent in 70 years was made available last year.

We are in the midst of a \$1.7 trillion bill, and yet we have got to add another billion. Is there no end to the amount of money you think we can print without repercussions?

I urge a “no” vote.

Mrs. GILLIBRAND. Mr. President, to clarify the record, it was not an unlimited amount of money appropriated; it was an authorization. This is the money—

Mr. PAUL. Time. Time.

Mrs. GILLIBRAND.—to pay for the shortfall, and—

The PRESIDENT pro tempore. The time—

Mrs. GILLIBRAND.—it is fully paid for.

The PRESIDENT pro tempore. The time has elapsed.

VOTE ON AMENDMENT NO. 6607, AS MODIFIED

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), the Senator from North Dakota (Mr. CRAMER), and the Senator from Kansas (Mr. MARSHALL).

The yeas and nays resulted—yeas 90, nays 6, as follows:

[Rollcall Vote No. 419 Leg.]

YEAS—90

Baldwin	Hassan	Reed
Bennet	Hawley	Risch
Blumenthal	Heinrich	Romney
Blunt	Hickenlooper	Rosen
Booker	Hirono	Rounds
Boozman	Hoeven	Rubio
Braun	Hyde-Smith	Sanders
Brown	Inhofe	Sasse
Cantwell	Kaine	Schatz
Capito	Kelly	Schumer
Cardin	Kennedy	Scott (FL)
Carper	King	Shaheen
Casey	Klobuchar	Shelby
Cassidy	Lankford	Sinema
Collins	Leahy	Smith
Coons	Lujan	Stabenow
Cornyn	Lummis	Sullivan
Cortez Masto	Manchin	Tester
Cotton	Markley	Thune
Crapo	McConnell	Tillis
Cruz	Menendez	Toomey
Duckworth	Merkley	Tuberville
Durbin	Moran	Van Hollen
Ernst	Murkowski	Warner
Feinstein	Murphy	Warnock
Fischer	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Graham	Padilla	Wicker
Grassley	Peters	Wyden
Hagerty	Portman	Young

NAYS—6

Blackburn	Johnson	Paul
Daines	Lee	Scott (SC)

NOT VOTING—4

Barrasso	Cramer
Burr	Marshall

The PRESIDENT pro tempore. On this vote, the yeas are 90, the nays are 6.

Under the previous order requiring 60 votes for adoption of this amendment, the amendment is agreed to.

The amendment (No. 6607), as modified, was agreed to.

AMENDMENT NO. 6617

The PRESIDENT pro tempore. Under the previous order, there is now 2 minutes of debate prior to the vote in relation to the Menendez-Cotton amendment No. 6617.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, this amendment is about justice and restitution. Twenty-one years ago, on a cloudless morning in 2001, nearly 3,000 Americans, including 750 from my home State of New Jersey, were senselessly murdered in the terrorist attacks on September 11.

Mr. President, 9/11 families are the reason why “Never Forget” continues to be a clarion call in this Congress. They are the reason we seek a vote on the Fairness for 9/11 Families Act.

I do this alongside Senators Cotton and Sullivan, who worked with me to bring justice and relief to also the 1983 Beirut Marine barracks bombing victims and so many other Americans who have suffered at the hands of state sponsors of terrorism.

Our amendment is straightforward. It expands coverage of the U.S. Victims of State Sponsored Terrorism Fund to deliver justice and relief to previously excluded 9/11 families who, because of this exclusion, lost out on the ability to get some of the compensation, as well as the families of the victims of

the Beirut Marine barracks bombing and the Khobar Towers attack.

Many of these families have waited for years—and, in some cases, decades—for relief, and that is what we seek today. I believe that we can take a voice vote.

I turn to Senator WHITEHOUSE, yield to him for a moment. I know he wants to speak to it.

Mr. WHITEHOUSE. Mr. President, I just want to say, on behalf of Senator REED and myself, that we urge a “yes” vote from Rhode Island in memory of the nine Rhode Islanders who perished in the Beirut bombing blast on that deadly day—a “yea” vote and a voice vote.

The PRESIDENT pro tempore. The majority leader.

Mr. SCHUMER. Mr. President, I want to thank Senator MENENDEZ and Senator COTTON—another good example of bipartisan progress. Families have been left out, in several different instances, who are victims of terrorism, who have had relatives who were victims of terrorism. We are saying: We stand by you.

Let’s vote. Let’s vote by voice.

The PRESIDENT pro tempore. The Senator from Arkansas.

Mr. COTTON. Mr. President, our amendment achieves a simple goal desired by all of us: equal treatment for all the 9/11 families, the Beirut Marine barracks bombing families, and all victims of terrorism.

To those families, we know that nothing we do here can assuage your grief or replace your loss, but we pray that this action by your Congress, on behalf of your fellow citizens, will serve as a reminder that we hold you close in our hearts and we pray for your comfort.

As a show of our support and love for these families, I suggest the Senate accept the amendment by voice vote.

The PRESIDENT pro tempore. The Senator from Kentucky.

Mr. PAUL. Mr. President, we all have a great deal of sympathy for the firemen, the policemen, and those first responders who responded to 9/11; but like most things government does or gets involved with, they have completely disturbed and destroyed who we are actually helping here.

The definition of “victims fund” also includes anybody in Manhattan at the time. So, really, Donald Trump is part of this fund as well. Anybody who was in Manhattan is part of this fund. So you dilute what you are actually trying to do—helping first responders—by making your fund so large, so ill-defined, that everybody in Manhattan can apply for your fund. That is why you are short of money. That is why we spend \$1.7 trillion in this bill, and yet we come back—the last vote was for a billion, and this is for another 4 or 5 billion.

There is no end to this, but it is because government does a poor job of trying to define who they are actually helping.

The PRESIDENT pro tempore. The question is on the amendment.

All those in favor—

Mr. PAUL. I object. It has to be unanimous consent. There is a unanimous consent order and agreement.

I ask for the yeas and nays, but I don't think you have to.

The PRESIDENT pro tempore. Has anybody asked for the yeas and nays?

Is there a sufficient second?

Mr. SCHUMER. Mr. President, I ask unanimous consent that the 60-vote threshold be vitiated with respect to this amendment.

The PRESIDENT pro tempore. Is there objection?

Mr. PAUL. I object.

The PRESIDENT pro tempore. Objection is heard.

Mr. SCHUMER. I ask for the yeas and nays.

#### VOTE ON AMENDMENT NO. 6617

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), and the Senator from North Dakota (Mr. CRAMER).

The result was announced—yeas 93, nays 4, as follows:

[Rollcall Vote No. 420 Leg.]

#### YEAS—93

Baldwin	Hagerty	Portman
Bennet	Hassan	Reed
Blackburn	Hawley	Risch
Blumenthal	Heinrich	Romney
Blunt	Hirono	Rosen
Booker	Hoeven	Rounds
Boozman	Hyde-Smith	Rubio
Braun	Inhofe	Sanders
Brown	Johnson	Sasse
Cantwell	Kaine	Schatz
Capito	Kelly	Schumer
Cardin	Kennedy	Scott (FL)
Carper	King	Scott (SC)
Casey	Klobuchar	Shaheen
Cassidy	Lankford	Shelby
Collins	Leahy	Sinema
Coons	Lujan	Smith
Cornyn	Lummis	Stabenow
Cortez Masto	Manchin	Sullivan
Cotton	Markey	Tester
Crapo	Marshall	Thune
Cruz	McConnell	Tillis
Daines	Menendez	Toomey
Duckworth	Merkley	Van Hollen
Durbin	Moran	Warner
Ernst	Murkowski	Warnock
Feinstein	Murphy	Warren
Fischer	Murray	Whitehouse
Gillibrand	Ossoff	Wicker
Graham	Padilla	Wyden
Grassley	Peters	Young

#### NAYS—4

Hickenlooper	Paul
Lee	Tuberville

#### NOT VOTING—3

Barrasso	Burr	Cramer
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The PRESIDING OFFICER (Mr. KING). On this vote, the yeas are 93, the nays are 4.

Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is agreed to.

The amendment (No. 6617) was agreed to.

Mr. SCHUMER. Mr. President, we are about to have a vote on final passage. Senator LEAHY will speak for no more than 2 minutes; Senator SHELBY, for no more than 2; I will speak for less than a minute.

Members should be advised, there may, may not, be a vote on three military appointees after final passage.

It will need unanimous consent to get it done. Right?

Some people are trying to do it. We will see what happens. It is not me doing it.

Let's go to the statements now. Senator LEAHY.

#### AMENDMENTS WITHDRAWN

The PRESIDING OFFICER (Mr. MURPHY). Under the previous order, the motion to refer and the amendments pending thereto and amendment No. 6511 are withdrawn.

#### MOTION TO CONCUR WITH AMENDMENT NO. 6552

There is now 2 minutes of debate equally divided prior to the vote on the motion to concur with amendment No. 6552, as amended.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I brought a lot of bills to the floor here. This will be the last one I bring to the floor of the Senate. But it is one that we have to act on quickly or we risk a government shutdown.

This omnibus appropriations bill provides \$1.7 trillion for fiscal year 2023, \$42 billion in aid to Ukraine, and \$27 billion for victims of natural disaster.

It is a strong, bicameral, and bipartisan bill; and it adheres to the framework announced by Vice Chairman SHELBY, Chair DELAURO, and myself last week.

From funding for nutrition programs and housing assistance, to reducing home energy costs and increasing college affordability, this bill is a direct investment into the American people and our national security, which we cannot delay further. The pain of inflation is real, and it is being felt by families across the country and in every corner of the Federal Government.

Not only does this bill provide real relief from inflation, it is this bill where we fund the promises of the landmark, bipartisan legislation that we passed in the 117th Congress.

The bill provides \$1.8 billion in new funding to implement the bipartisan CHIPS and Science Act of 2022. This will help drive our innovative and competitive edge on the global stage. We included \$9.9 billion—an historic level of funding—for the National Science Foundation, which will support 2,300 more research and education grants and 35,000 more scientists, technicians, teachers, and students.

In the bipartisan PACT Act, we made a commitment to countless veterans across the country to ensure that they receive healthcare and benefits related to exposure to burn pits, Agent Orange, and other toxic substances. This appropriations bill makes good on that promise by providing \$5 billion to im-

plement the PACT Act. It provides \$118.7 billion—a 22-percent increase—for VA Medical Care. These benefits are deserved. They were earned, and they are owed.

In the bipartisan Infrastructure Investment and Jobs Act, we finally made a significant investment in addressing our Nation's crumbling bridges, roads, and infrastructure. This appropriations bill puts tens of billions of real dollars behind those investments to bring our infrastructure into the 21st century.

Last week, we passed the National Defense Authorization Act—NDAA—with overwhelming bipartisan support, but that legislation did not contain a single penny in funding. The bill we consider today does, and it fully funds the NDAA.

But the investments in this bill will go far beyond the bipartisan priorities of this year. It makes real investments that will directly improve the lives of the American people. It includes a \$500 increase to the maximum Pell grant award, which helps more than 7 million students across the country pursue a postsecondary education and further their careers every year. It invests billions of dollars in our Nation's public schools by providing a 5-percent increase for title I-A grants.

It helps to address the crisis of childcare access and affordability by providing \$8 billion for Child Care and Development Block Grants and nearly \$12 billion for Head Start. These programs directly help parents access quality childcare and promote children's healthy development, learning, and well-being.

It continues our efforts to confront the opioid crisis. I am sure every Member of this Chamber knows someone who struggles with substance misuse or someone who advocates on their behalf. I know Marcelle and I do. Communities across the country host grieving families and people struggling with addiction from all walks of life who need new resources now, and this bill provides them. This includes a more than \$345 million increase to address this crisis.

Across this country there are more than 34 million people who are food insecure, including 9 million children. This should not happen in the wealthiest country in the world, and with the cost of groceries up more than 10 percent, this crisis could only get worse. Our bill provides a \$13.4 billion increase for the Supplemental Nutrition Program and funds Child Nutrition Programs, WIC, and other programs to improve nutrition.

This is just scratching the surface of what this appropriations bill will mean for the American people, our national security, and how we project our influence abroad. Our bill invests billions of dollars to help to make housing more affordable and help those in this country who are experiencing homelessness. We provide \$5 billion for LIHEAP, and we provide funding to support local law

enforcement and place more than 1,800 additional police officers on the streets of our communities.

The bill includes over \$42 billion in aid to Ukraine and over \$27 billion for the victims of natural disasters.

The real good this bill does is too long to list now. But if you voted for the bipartisan PACT Act, CHIPS Act, Infrastructure Law, or the NDAA, you should vote for this bill to actually fund them; if you want to help families deal with the cost of heating, childcare, college, food, and housing, you should vote for this bill; if you want to support law enforcement, you should vote for this bill.

The choice is clear: We can either do our jobs and fund the Federal Government—which is undoubtedly in the interest of the American people—or we can abandon our responsibilities without a real path forward. The alternative, a continuing resolution into the New Year, is short-sighted and wholly unnecessary. It imperils our national security, and it ignores the real pain and consequences of inflation. Without a clear path forward based on a bipartisan framework, punting on our responsibility to fund the Federal Government risks a full-year continuing resolution. Under a continuing resolution, America gets left behind.

I strongly urge the support of this omnibus appropriations bill. I want to thank my dear friend Vice Chairman SHELBY for his partnership in this process, and I want to thank Chair DELAURO for her diligent work. Without their work and cooperation, we would not be where we are today.

I also want to thank our staffs who spent countless, sleepless nights working through the details of this bill. Specifically, I want to thank Charles Kieffer, Chanda Betourney, Jay Tilton, and Maria Calderon on my staff. There are so many, many more who worked tireless days and nights—far too many names to say now—so I would like to submit a list of these staff into the RECORD:

Charles Kieffer; Chanda Betourney; Jay Tilton; Maria Calderon; Tim Rieser; Clint Trocchio; Jenny Winkler; Ben Hammond; Joshua Kravitz; Hong Nguyen; George Castro; Dianne Nellor; Rachel Erlebacher; Hannah Chauvin; Jess Berry; Blaise Sheridan; Michael Bednarczyk; Angela Caalim; Lindsay Erickson; Kate Kaufer; Mike Clementi; Abigail Grace; Katy Hagan; Brigid Kolish; Rob Leonard; John Lucio; Andy Vanlandingham; Laura Mancini; Drew Platt; Doug Clapp; Aaron Goldner; Jen Becker Pollett; Laura Powell; Ellen Murray; Diana Hamilton; Maddie Dunn; Kamela White; Jenn Piatt; Jim Daumit; Frank Reed; Melissa Zimmerman; Ryan Hunt; Martha Roberts; Anthony Sedillo; Alex Keenan; Kelly Brown; Mike Gentile; Mark Laisch; Meghan Mott; Kathryn Toomajian; Fiona O'Brien; Richard Braddock; Michelle Dominguez; Joanne Hoff; Jason McMahon; Alex Carnes; Kali Farahmand; Sarita Vanka; Madeleine Granda; Dabney Hegg; Kelsey Daniels; Rajat Mathur; Jessica Sun; Valerie Hutton; Elmer Barnes; Penny Myles; Karin Thames; Lynn Cookley; Alley Adcock; David Adkins; Lucas Agnew; Jennifer Bastin; Katherine Bowles; Patrick Carroll; Michael Ciamarra; Chris

Cook; Allen Cutler; Brian Daner; Elizabeth Dent; Bill Duhnke; Anna Fischer Lanier; John Forbes; Laura Friedel; Paul Grove; Ann Tait Hall; Hanz Heinrichs; Nora Khalil; Emy Lesofski; Rachel Littleton; Patrick Magnunson; Nona McCoy; Daniel Mencher; Thompson Moore; Anna Newton; Lauren Nunnally; Cameron O'Brien; Ashley Palmer; Todd Phillips; Emily Slack; Lashawnda Smith; Blair Taylor; William Tutt; Morgan Ulmer; Kevin Wheeler; Kathleen Williams; Jason Woolwine; Jason Yaworske; and Adam Yezerski.

This is a bill that invests in us—the American people.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise today for the last time here to address my colleagues on the floor. After nearly 100 years of combined service between myself and the chairman, I think that we understand the Senate a little bit. This bill, we know what it is—we know it is an omnibus. We know it is not perfect. But it has a lot of stuff in it, a lot of good stuff. And I urge all my friends and colleagues to vote for this, for it is the right thing for the government, the right thing for the Nation, I believe.

Also, I want to thank the entire Appropriations and leadership staff on both sides of the aisle here for their years of service while I have served on the committee. And, also, once again, without them, we wouldn't be where we are today.

Mr. President, I rise today for the last time to address my colleagues on the floor of the United States Senate.

After nearly 100 years of combined public service, my longtime colleague, good friend, and chairman of the Appropriations Committee, Senator PATRICK LEAHY, and I are seeking your support on one last piece of legislation.

This particular bill or omnibus, as we call it, includes all 12 appropriations bills as well as emergency supplemental funding for disaster relief and Ukraine.

I think the chairman would agree that the road we traveled to get to this point has been long, and it has been winding at times. We have hit some rough patches, taken some detours, and at times we broke down on the side of the road.

Notwithstanding the difficulties and disagreements, however, we always shared the same goal—getting to yes.

Was this a perfect process that led to a perfect result? Of course not. It never is, and it never does.

The path we followed to produce this particular legislation is not the path that either one of us would have freely chosen. Over the years, our strong preference has been to engage in regular order, but, for a number of reasons, many of them out of our control, that was not to be this time around.

This bill in just about every respect represents a compromise. The legislative process and the appropriations process in particular rarely produce anything different. In other words, if

you are seeking purity, you will not find it here, and you never will.

What you will find in this bill, however, is a serious commitment to our national defense, aid for Americans in need as a result of natural disasters, and continuing support for the people of Ukraine as they fight against Russian aggression.

As the Republican leader pointed out yesterday, we have a choice to make. I urge you all to choose in favor of our men and women in uniform and fulfill one of our most fundamental obligations and that is to fund the government.

Mr. President, before I yield, I would like to once again recognize my good friend the senior Senator from Vermont. It has been my great privilege and high honor to serve beside him for my entire Senate career. He personifies what it means to be a United States Senator, and this body will surely miss him.

I would also like to thank the entire Appropriations and leadership staff on both sides of the aisle, not only for their years of service while I served on the committee but also for once again doing the impossible under extremely demanding circumstances. It is my hope that we will reward your tireless efforts with a strong vote in favor of this bill.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, this is one of the most significant appropriations packages we have done in a very long time. The range of people it helps is large and deep. After a lot of hard work and compromise, the Senate is funding the government with an aggressive investment in American families, workers, and national defense.

Here is who it helps: working families, parents who can't afford childcare, pregnant workers, students, and so much more. It is one of the most significant packages for women across America, including protections for pregnant workers, part of the Momnibus and new moms who will now get 1 year of postpartum care. And it is fitting we are ending the 117th Congress by protecting our democracy through reforming the Electoral Count Act.

I want to thank the great staff of the Appropriations Committee: Chuck Kieffer and Chanda Betourney. I want to thank all of those who worked so hard and the members of the committee. And I think it is only appropriate to conclude with a round of applause for our two great leaders, Senators LEAHY and SHELBY, who have done a great job through the years on the Appropriations Committee.

(Applause, Senators rising.)

VOTE ON MOTION TO CONCUR

Mr. SCHUMER. I ask for the yeas and nays.

This will be, by the way—we couldn't work out that military thing—this will be the last rollcall vote.

Merry Christmas and a happy new year to one and all.

The PRESIDENT pro tempore. The question is on agreeing to the motion to concur with amendment No. 6552, as amended.

The yeas and nays are requested.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), and the Senator from North Dakota (Mr. CRAMER).

The result was announced—yeas 68, nays 29, as follows:

[Rollcall Vote No. 421 Leg.]

#### YEAS—68

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Romney
Blumenthal	Hirono	Rosen
Blunt	Inhofe	Rounds
Booker	Kaine	Sanders
Boozman	Kelly	Schatz
Brown	King	Schumer
Cantwell	Klobuchar	Shaheen
Capito	Leahy	Shelby
Cardin	Lujan	Sinema
Carper	Manchin	Smith
Casey	Markey	Stabenow
Collins	McConnell	Tester
Coons	Menendez	Thune
Cornyn	Merkley	Van Hollen
Cortez Masto	Moran	Warner
Cotton	Murkowski	Warnock
Duckworth	Murphy	Warren
Durbin	Murray	Whitehouse
Feinstein	Ossoff	Wicker
Gillibrand	Padilla	Wyden
Graham	Peters	Young
Hassan	Portman	

#### NAYS—29

Blackburn	Hawley	Risch
Braun	Hoeben	Rubio
Cassidy	Hyde-Smith	Sasse
Crapo	Johnson	Scott (FL)
Cruz	Kennedy	Scott (SC)
Daines	Lankford	Sullivan
Ernst	Lee	Tillis
Fischer	Lummis	Toomey
Grassley	Marshall	Tuberville
Hagerty	Paul	

#### NOT VOTING—3

Barrasso	Burr	Cramer
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The PRESIDENT pro tempore. On this vote, the yeas are 68, the nays are 29.

Under the previous order requiring 60 votes for the adoption of the motion to concur in the House amendment to the Senate amendment No. 4 with an amendment No. 6552, the motion is agreed to.

The motion was agreed to.

The PRESIDENT pro tempore. The Senator from Oregon.

#### MORNING BUSINESS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### SHIREEN ABU AKLEH

Mr. LEAHY. Mr. President, the 11th of December marked the 6-month anni-

versary of the violent death of widely respected Palestinian-American journalist Shireen Abu Akleh. On May 19, I echoed Secretary of State Blinken's call for an "independent, credible investigation" of her killing. At that time, several Members of Congress called for the FBI to be involved, as did I. That would be appropriate after a tragedy like this involving an American citizen killed overseas under questionable circumstances. Secretary Blinken later said, and I agree, that "[w]hen that investigation happens, we will follow the facts, wherever they lead. It's as straightforward as that."

Unfortunately, there has been no independent, credible investigation, at least not yet. Three months ago, the Israeli Government, after first blaming the Palestinians for Ms. Abu Akleh's death, stated that she was likely shot, by mistake, by an unnamed Israeli soldier. The U.S. Security Coordinator—USSC—also stated, at the time, that gunfire from Israeli Defense Force—IDF—positions was likely responsible, but that there was "no evidence to indicate her killing was intentional." The State Department acknowledges that conclusion was not the result of an investigation, but rather a review of information they were provided by the IDF and the Palestinian Authority. We were told that "the Administration continues to believe that cooperation among Israel, the Palestinian Authority, and the USSC is the best path to support a thorough, transparent, and impartial investigation."

Neither the Palestinian Authority nor the IDF can be relied on to objectively determine and make public all the facts of what happened in this case—nor have they. For the State Department to assert, prematurely, that fatally shooting an unarmed person, and in this case one with "PRESS" written in bold letters on her clothing, was not intentional, without providing any facts to support that conclusion, calls into question the Department's commitment to an independent, credible investigation and to "follow the facts, wherever they lead."

Before I was elected to the Senate, I was a prosecutor. I know a thing or two about homicide investigations, having participated in many. There are intentional, reckless, negligent, and justifiable or excusable homicides. Six months after Ms. Abu Akleh's death, key questions remain unanswered, including:

What specific evidence was the basis for the conclusion that "there is no reason to believe that this was intentional but rather the result of tragic circumstances?" Has everyone—the IDF personnel, Al Jazeera employees, and any others—who were in the proximity at the time of her death been questioned, and if so by whom?

What, specifically, were the "tragic circumstances" the State Department referred to?

Was the soldier who likely fired the fatal shot a trained marksman? Was he

looking through a scope? Was there anything obstructing his vision? If he did not intend to kill Ms. Abu Akleh, what did he intend? Did he have reason to believe that the shot would injure or kill her?

Were the rifle and ammunition he used, or the armored personnel vehicle he was reportedly inside or shielded behind when he fired the fatal shot, supplied by the United States? What IDF unit was he a member of? Is he still a member of the IDF? If so, is he on active duty?

If, as the Israeli authorities may be implying, the IDF soldier missed, who or what he was aiming at and killed Ms. Abu Akleh by mistake, who or what was he aiming at?

There are reports of earlier exchanges of gunfire, although not in the immediate vicinity where Ms. Abu Akleh was standing and not at the time she was shot. Is there any evidence that the shots that killed her and injured Ali Sammoudi, another unarmed Al Jazeera journalist, were fired as a legitimate act of self-defense?

How many shots were fired, and were they all fired by the same soldier? Have any other bullets been recovered, including the one that injured Mr. Sammoudi?

On July 5, the State Department spokesperson said, "We would want to see accountability in any case of a wrongful death. That would especially—and is especially the case in the wrongful death of an American citizen, as was Shireen Abu Akleh." Has anyone been held accountable, and if so, in what manner? What steps does the Department plan to take to ensure such accountability? What steps has the Department taken to determine whether the Leahy Law applies in this case?

Imagine if Shireen Abu Akleh were your sister—or your aunt—or your daughter. Wouldn't you be asking these questions and expect answers? Six months after her death, shouldn't we already know the answers?

Recently, it was reported that the FBI has opened an investigation in this case. I welcome that decision. The Israeli authorities immediately announced they would not cooperate with the FBI. I hope they reconsider, especially given that this involves the untimely death of an American citizen by the actions of a soldier of a country that receives by far the largest amount of U.S. military training and equipment. I have voted for that aid because I believe we should help Israel defend itself, especially with Iran financing anti-Israel terrorist groups and regularly calling for Israel's annihilation. But that does not prevent me from asking relevant questions and calling for a thorough, independent investigation of the violent death of an American journalist, likely by an IDF soldier. In fact, it compels me to do so.

There is an increasing foreboding that, as in so many other cases and like the murder of Jamal Khashoggi, there will never be the independent,